

THURSDAY, MARCH 1, 1990

SEVENTY-SECOND LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Brother Clayton Hall, Halltown General Baptist Church, Portland, Tennessee.

Representative Mayo Wix led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 91

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Haltemah, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Usary, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Cole was excused to be with the Governor in Mountain City to participate in an official announcement.

The Speaker announced that Representative Whitson was excused to take care of business at home.

REPORT OF COMMITTEE ON CALENDAR AND RULES
March 1, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to

House Bill No. 2242 was objected to by Rep. Winningham.

House Bill No. 2523 was objected to by Rep. Winningham.

Under the rules, House Bill(s) No(s). 2241, 2242 and 2523 was/were placed at the foot of the calendar for Thursday, March 8, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

EXPLANATION OF VOTE

To avoid even the appearance of a conflict of interest, I have voted "roll call" on Senate Bill No. 2148.

I have not and will not support or oppose any banking legislation which if passed or defeated, would even inadvertently benefit me personally.

Rep. Dan Byrd

Further consideration of House Bill No. 1954, previously considered on February 22, 1990, at which time it was reset to the calendar for March 1, 1990.

Rep. Bivens moved that House Bill No. 1954 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 93 |
| Noes. | 0 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Purcell -- 1.

A motion to reconsider was tabled.

House Bill No. 1992 -- Development Districts -- Permits development districts to contract to operate public guardian programs. Amends TCA, Title 13, Ch. 14.

On motion, House Bill No. 1992 was made to conform with Senate Bill No. 2127.

On motion, Senate Bill No. 2127, on same subject, was substituted for House Bill No. 1992.

Rep. Duer moved that Senate Bill No. 2127 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 93 |
| Noes. | 0 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good,

Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Napier -- 1.

A motion to reconsider was tabled.

House Bill No. 2022 -- Psychologists -- Provides for peer review of actions of psychologists. Amends TCA, Title 63, Ch. 11.

On motion, House Bill No. 2022 was made to conform with Senate Bill No. 1672.

On motion, Senate Bill No. 1672, on same subject, was substituted for House Bill No. 2022.

Rep. Duer moved that Senate Bill No. 1672 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 94 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

*House Bill No. 1777 -- Boards and Commissions -- Revises certain fees, operations and structures of certain boards, commissions and other governmental entities. Amends TCA, Title 53, Chs. 11, 14; Title 55, Ch. 22; Titles 62, 63; Title 68, Ch. 50.

Rep. Scruggs moved that House Bill No. 1777 be reset two weeks to the Calendar for Thursday, March 15, 1990, which motion prevailed.

House Bill No. 1646 -- Employees, Employers -- Revises certain requirements relative to aliens employed in state.

On motion, House Bill No. 1646 was made to conform with Senate Bill No. 1623.

On motion, Senate Bill No. 1623, on same subject, was substituted for House Bill No. 1646.

Rep. Anderson moved that Senate Bill No. 1623 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 1623 by deleting from Section 1 the word "county" and by substituting instead the word "country".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Anderson moved that Senate Bill No. 1623 be passed on third and final consideration.

Rep. DePriest moved the previous question, which motion prevailed.

Thereupon, Rep. Anderson moved that Senate Bill No. 1623, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 88 |
| Noes. | 6 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Haun, McAfee, Moody, Stamp, West, Williams -- 6.

Representatives present and not voting were: Severance -- 1.

A motion to reconsider was tabled.

House Bill No. 2357 -- Physicians and Surgeons -- Removes special exemption for medical students attending Universidad Autonoma de Guadalajara from application requirements to practice medicine or surgery. Amends TCA, Title 63, Ch. 6.

Rep. Chiles moved that House Bill No. 2357 be reset one week to the Calendar for Thursday, March 8, 1990, which motion prevailed.

***House Bill No. 1812 -- Highway Signs -- Provides for directional signs to Burgess Falls State Natural Area.**

Rep. Henry (Putnam) moved that House Bill No. 1812 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1812 by adding the following at the end of the first section:

Provided however, this section shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this section shall not render Tennessee in violation of Federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Henry (Putnam) moved that House Bill No. 1812, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 96 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard,

Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

House Bill No. 1874 -- Juvenile Offenders -- Expands authority to try juveniles as adults; revises sentencing for certain juveniles who commit certain offenses. Amends TCA 37-1-134, 137.

Rep. Burnett moved that House Bill No. 1874 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

House Bill No. 1873 -- Criminal Offenses -- Redefines kidnapping offenses. CAVEAT: This bill purports to amend TCA 37-1-134(a)(1)(B), 37-1-137(a)(1)(C) which do not exist. Amends TCA 39-13-301--304, 40-35-303.

Rep. Burnett moved that House Bill No. 1873 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 97 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

House Bill No. 1877 -- Criminal Offenses -- Reduces penalty for criminal impersonation; creates criminal offense of using false identification and falsifying education documents. Amends TCA 39-14-136; Title 39, Ch. 16, Pt. 3, 39-16-301.

Rep. Burnett moved that House Bill No. 1877 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------------------------|----|
| Ayes | 90 |
| Noes | 5 |
| Present and not voting | 2 |

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives voting no were: Austin, McAfee, Stamps, West, Wix -- 5.

Representatives present and not voting were: Holcomb, Odom -- 2.

A motion to reconsider was tabled.

CHAIR TO DEBERRY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 1868 -- Sentencing -- Revises Criminal Sentencing Reform Act of 1989. Amends Chapter 591, Section 113, Public Acts of 1989. CAVEAT: The body of this bill (Section 16) purports to amend TCA 39-16-609; however, the caption does not. Amends TCA, Titles 39, 40, 53, 55.

Rep. Burnett moved that House Bill No. 1868 be reset one week to the calendar for Thursday, March 8, 1990, which motion prevailed.

*House Bill No. 1807 -- Highway Signs -- Provides for directional signs to Great South Fork National Recreational Area.

Rep. Henry (Putnam) moved that House Bill No. 1807 be passed on third and final consideration.

Rep. Robinson (Davidson) moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1807 by adding the following at the end of the first section:

Provided however, this section shall become operative only if the Federal Highway Administrator advises the Commissioner of Transportation in writing that the provisions of this section shall not render Tennessee in violation of Federal laws and regulations and subject to penalties prescribed therein.

On motion, Amendment No. 1 was adopted.

Rep. Henry (Putnam) moved to amend as follows:

Amendment No. 2

Amend House Bill No. 1807 by deleting the word "Great" in Section 1 and substituting instead the word "Big".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. Henry (Putnam) moved that House Bill No. 1807, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 95 |
| Noes. | 1 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gala, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives voting no were: Cross -- 1.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

House Bill No. 2203 -- Insurance Companies, Agents, Brokers -- Requires policies to contain insurer's home office address. Amends TCA, Title 56, Ch. 2, Pt. 1.

On motion, House Bill No. 2203 was made to conform with Senate Bill No. 1802.

On motion, Senate Bill No. 1802, on same subject, was substituted for House Bill No. 2203.

Rep. C. Turner (Shelby) moved that Senate Bill No. 1802 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill 1802 by changing the period at the end of subsection (a) of the amendatory language of Section 1 to a comma, and adding the following language:

regional office or service center.

On motion, Amendment No. 1 was adopted.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 2.

Rep. C. Turner (Shelby) moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1802 by deleting from subdivision (a) of the amendatory language of Section 1 the word "January" and substituting instead the word "July".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. C. Turner (Shelby) moved that Senate Bill No. 1802, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 96 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

*House Bill No. 1815 -- Banks and Financial Institutions -- Authorizes interstate banking; removes regional limitation. Amends TCA, Title 45, Ch. 12.

Further consideration of House Bill No. 1815, previously considered on February 28, 1990, at which time it was reset to the calendar for March 1, 1990.

On motion, House Bill No. 1815 was made to conform with Senate Bill No. 2148.

On motion, Senate Bill No. 2148, on same subject, was substituted for House Bill No. 1815.

Rep. Rhinehart moved that Senate Bill No. 2148 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 2148 by deleting Sections 3, 7, and 10 in their entirety and substituting therefor the following new sections, respectively:

Section 3. Tennessee Code Annotated, Section 45-12-103, is amended by deleting the words "regional bank holding company" wherever they appear and by substituting instead the words "out-of-state bank holding company" and by deleting subsection (6) in its entirety and substituting instead the following:

(6) The commissioner grants prior written approval of such acquisition. Application to the commissioner for approval must be in writing and in such form as may be prescribed or approved by the commissioner and include a consent to service of process and such information as the commissioner requires to make the findings specified herein, and must be accompanied by a filing fee in the amount established by the commissioner from time to time. In determining whether to approve an acquisition by an out-of-state bank holding company, the commissioner shall consider:

(A) the financial and managerial resources and history of the out-of-state bank holding company;

(B) the future prospects of the out-of-state bank holding company and the Tennessee bank or bank holding company sought to be acquired;

(C) whether such acquisition may result in undue concentration of resources or substantial lessening of competition in this state;

(D) whether such acquisition is fair and reasonable to the customers, suppliers, employees, shareholders and local communities and their economies of the Tennessee bank or bank holding company sought to be acquired;

(E) the convenience and needs of the public of this state;

(F) whether the acquisition is contrary to law; and

(G) such other facts and circumstances bearing on the proposed acquisition as in the opinion of the commissioner may be relevant.

Within three (3) business days after receipt of a proposed application, the commissioner shall give written notice of it to the Tennessee bank(s) or bank holding company sought to be acquired. If no Tennessee bank(s) or bank holding company sought to be acquired submits a written protest, the commissioner shall rule on the application within sixty (60) calendar days following the day on which a completed application is filed with the commissioner.

If a Tennessee bank or bank holding company sought to be acquired submits, within thirty (30) calendar days after receiving the commissioner's notice, a written protest and requests a hearing on the application, the commissioner shall set a date for such hearing within a reasonable time and give notice of the date of the hearing to the applicant and to the Tennessee bank(s) or bank holding company sought to be acquired. Such notice shall be sent by registered or certified mail. The commissioner shall rule on a protested application within a reasonable time following the hearing.

If the commissioner disapproves an application, or approves a protested application, the commissioner shall provide to the applicant and to each Tennessee bank or bank holding company sought to be acquired a written statement of the reasons for disapproval or approval and the findings and conclusions upon which such disapproval or approval is based. In the case of a disapproved application, the applicant may have a review by certiorari as provided in Tennessee Code Annotated, Title 27, Chapter 9.

Section 7. Tennessee Code Annotated, Section 45-12-107, is amended by deleting it in its entirety and substituting instead the following:

If any person has engaged, or proposes to engage, in a transaction which is not permitted under this chapter, the commissioner shall apply for equitable relief (including but not limited to a permanent or temporary injunction or restraining order) to the chancery court of Davidson County or any other chancery court having jurisdiction or any court of the United States having jurisdiction.

Section 10. This act shall take effect on December 31, 1991, the public welfare requiring it.

Rep. Webb moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 44 |
| Noes. | 42 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Chiles, Coffey, Curlee, Davidson, Davis (Cocke), DePriest, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hillis, Hubbard, Huskey, King, Love, McDaniel, Moody, Moore (Shelby), Napier, Niceley, Nuber, Odom, Phillips, Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Turner, L. (Shelby), Ussery, Webb, Williams, Winningham -- 44.

Representatives voting no were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Collier, Copeland, Crain, Cross, Davis (Gibson), Dixon, Duer, Givens, Head, Herron, Hobbs, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Moore (Lawrence), Naifeh, Peroulas, Pinion, Ridgeway, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), West, Wheeler, Wix, Wolfe, Wood -- 42.

Representatives present and not voting were: Byrd, Robinson (Hamilton) -- 2.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

Amend Senate Bill No. 2148 by deleting Section 10, as amended, in its entirety and by substituting instead the following:

SECTION 10. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Webb moved to table Amendment No. 2, which motion failed the following vote:

| | |
|---------------------------------|----|
| Ayes. | 40 |
| Noes. | 47 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Garrett, Good, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Holcomb, Hubbard, Huskey, Jackson, McDaniel, Napier, Niceley, Nuber, Odom, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Washington), Scruggs, Severance, Sipes, Turner, L. (Shelby), Ussery, Webb, Williams, Winningham -- 42.

Representatives voting no were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Crain, Cross, Davis (Gibson), DePriest, Dixon, Duer, Givens, Gunnels, Head, Herron,

Hillis, Hobbs, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Pinion, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), West, Wheeler, Wix, Wolfe, Wood, Yelton -- 47.

Representatives present and not voting were: Byrd -- 1.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1 to Amendment No. 2

Amend Senate Bill No. 2148 by deleting Section 10 in its entirety and by substituting instead the following:

Section 10. This act shall take effect on January 1, 1991, the public welfare requiring it.

Rep. Naifeh moved that Amendment No. 1 to Amendment No. 2, be tabled, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 45 |
| Noes. | 48 |
| Present and not voting. | 1 |

Representatives voting aye were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Collier, Crain, Cross, Davis (Gibson), Dixon, Duer, Head, Hobbs, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Pinion, Pruitt, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Wix, Wood, Yelton -- 45.

Representatives voting no were: Anderson, Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Holcomb, Hubbard, Huskey, Jackson, Love, McDaniel, Napier, Niceley, Nuber, Odom, Phillips, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Ussery, Webb, Williams, Winningham, Wolfe -- 48.

Representatives present and not voting were: Byrd -- 1.

Thereupon, Rep. Rhinehart renewed the motion to adopt Amendment No. 1 to Amendment No. 2.

Rep. Burnett moved the previous question, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 80 |
| Noes. | 8 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Cain, Callicott, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Winningham, Wix, Wolfe, Wood, Yelton -- 80.

Representatives voting no were: Coffey, Hassell, Niceley, Nuber, Scruggs, Stamps, Turner, L. (Shelby), Williams -- 8.

Representatives present and not voting were: Byrd -- 1.

On motion, Amendment No. 1 to Amendment No. 2 was adopted by the following vote:

| | |
|----------------------------------|----|
| Ayes | 49 |
| Noes | 43 |
| Present and not voting | 3 |

Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hillis, Hubbard, Huskey, Jackson, Kernell, King, McDaniel, Moody, Naifeh, Napier, Niceley, Nuber, Odom, Phillips, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Turner, L. (Shelby), Ussery, Webb, Williams -- 49.

Representatives voting no were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Copeland, Crain, Cross, Davis (Gibson), Dixon, Duer, Head, Herron, Hobbs, Holcomb, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kisber, Love, McAfee, Moore (Shelby), Peroulas, Pinion, Pruitt, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), West, Wheeler, Wix, Wolfe, Wood, Yelton -- 43.

Representatives present and not voting were: Byrd, Haun, Moore (Lawrence) -- 3.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on Amendment No. 1 to Amendment No. 2 on Senate Bill No. 2148 and have this statement entered in the Journal.

Rep. Jimmy Naifeh

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Rhinehart moved that Amendment No. 2, as amended, be adopted, which motion prevailed.

Rep. Wheeler moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 2148 by adding at the end of Section 3, as amended, the following language:

In the case of approval of a protested application, the Tennessee bank(s) or bank holding company which protested the application may have a review by certiorari as provided in Tennessee Code Annotated, Title 27, Chapter 9.

AND FURTHER AMEND by deleting Section 10, as amended, and by substituting instead the following:

Section 10. The commissioner is hereby granted the power to promulgate reasonable substantive and procedural rules and regulations to carry out the purposes of this chapter.

Section 11. The purpose of promulgating rules and regulations, the act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, the act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Webb moved that Amendment No. 3 be tabled, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 41 |
| Noes. | 47 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Bittle, Bivens, Callicott, Clark, Coffey, Collier, Curlee, Davidson, Davis (Cooke), Davis (Knox), DeBerry, DePriest, Gaia, Garrett, Givens, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hillis, Huskey, King, McDaniel, Napier, Niceley, Nuber, Odom, Phillips, Purcell, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Ussery, West, Williams -- 42.

Representatives voting no were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Crain, Cross, Davis (Gibson), Dixon, Duer, Head, Herron, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C.

(Shelby), Turner, L. (Shelby), Webb, Wheeler, Wix, Wolfe, Wood, Yelton -- 47.

Representatives present and not voting were: Byrd, Haun -- 2.

Thereupon, Rep. Wheeler renewed his motion to adopt Amendment No. 3, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 49 |
| Noes. | 42 |
| Present and not voting. | 2 |

Representatives voting aye were: Armstrong, Austin, Bell, Bragg, Buck, Burchfield, Burnett, Cain, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), Dixon, Duer, Head, Herron, Hobbs, Holt, Hubbard, Jackson, Jones, R. (Shelby), Kent, King, Kisber, Love, McAfee, Moore (Lawrence), Moore (Shelby), Naifeh, Peroulas, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wood, Yelton -- 49.

Representatives voting no were: Anderson, Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Curlee, Davis (Cocke), Davis (Knox), DeBerry, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hillis, Holcomb, Huskey, Kernell, McDaniel, Moody, Napier, Niceley, Nuber, Odom, Phillips, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Sipes, Ussery, Webb, Williams, Wolfe -- 42.

Representatives present and not voting were: Byrd, Haun -- 2.

On motion, Rep. Kisber withdrew Amendment No. 4.

On motion, Rep. Kisber withdrew Amendment No. 5.

Thereupon, Rep. Rhinehart moved that Senate Bill No. 2148, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 77 |
| Noes. | 17 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings,

Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Williams, Wix, Wolfe, Wood -- 77.

Representatives voting no were: Armstrong, Bell, Burnett, Crain, Cross, Haun, Head, Herron, Hobbs, Moore (Shelby), Naifeh, Ridgeway, Shirley, Stamps, Turner, L. (Shelby), Winningham, Yelton -- 17.

Representatives present and not voting were: Byrd -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Murray resumed the Chair.

REGULAR CALENDAR, CONTINUED

*House Bill No. 1502 -- District Attorneys -- Grants credit for service on board of paroles in determining compensation of criminal investigators and assistant district attorneys general. Amends TCA 8-7-201.

On motion, House Bill No. 1502 was made to conform with Senate Bill No. 1575.

On motion, Senate Bill No. 1575, on same subject, was substituted for House Bill No. 1502.

Rep. Starnes moved that Senate Bill No. 1575 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 88 |
| Noes. | 5 |
| Present and not voting. | 2 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 88.

Representatives voting no were: Callicott, Chiles, Haun, Holcomb, Scruggs -- 5.

Representatives present and not voting were: Head, Purcell -- 2.

A motion to reconsider was tabled.

House Bill No. 1121 -- Nurses, Nursing -- Revises certain provisions relative to the practice of professional nursing. Amends TCA 63-7-101, 103.

On motion, House Bill No. 1121 was made to conform with Senate Bill No. 255.

On motion, Senate Bill No. 255, on same subject, was substituted for House Bill No. 1121.

On motion, Rep. Starnes withdrew General Welfare Committee Amendment No. 1.

Rep. Starnes moved that Senate Bill No. 255 be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|------|----|
| Ayes | 92 |
| Noes | 0 |

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 0877 -- Liens -- Establishes contractor's lien as only valid lien on real property to secure improvements of certain value. Amends TCA, Title 66, Ch. 11.

Further consideration of House Bill No. 877, previously considered on February 28, 1990, at which time the House adopted Amendment No. 1 and reset the bill to the Calendar for March 1, 1990.

Rep. Shirley moved that House Bill No. 877, as amended, be passed on third and final consideration.

Rep. Shirley moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 877 by designating the existing language of subsection (a) of Section 1 as subdivision (2), and by adding the following language as a new subdivision to subsection (a) to be designated as subdivision (1):

(1) As used in this subsection, "residential real property" means a building consisting of one (1) dwelling unit in which the owner of the real property intends to reside or resides as his principal place of residence, and also means a building consisting of two (2) dwelling units where the owner of the real property intends to reside or resides in one of the units as his principal place of residence.

AND FURTHER AMEND by designating the existing language of subsection (b) of Section 1 as subdivision (2), and by adding the following language as a new subdivision to subsection (b) to be designated as subdivision (1):

(1) As used in this subsection, "residential real property" means a parcel of property upon which a building is constructed or is to be constructed consisting of one (1) dwelling unit intended as the principal place of residence of a person or family.

On motion, Amendment No. 2 was adopted.

Rep. Clark moved to amend as follows:

Amendment No. 3

Amend House Bill No. 877 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Robinson (Davidson) moved to amend as follows:

Amendment No. 4

Amend House Bill No. 877 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ (a) Any materialman or subcontractor who has provided goods or services to a residential property to which this act is applicable and whose account in that regard has not been paid for 30 days may give notice of the non-payment to the owner. If such notice of non-payment is given to the owner, the owner shall not thereafter disburse to the general contractor the amount of the asserted non-payment until:

(1) a notice of completion pursuant to Tennessee Code Annotated, Section 66-11-143 (a) and (b) has been recorded for at least 10 days, and

(2) each materialman and subcontractor has had the opportunity to make a claim against the owner for goods and services furnished but not paid for, and

(3) every valid claim made under (2) above has been paid or otherwise satisfied.

(b) Any litigation resulting from the procedure described in this section shall be between the materialman or subcontractor and the general contractor, except that the owner shall have responsibility for any payment made after receiving notice as provided in subsection (a) of this section. If litigation does result and the owner has not paid after notice, the owner shall deposit in court the amount of money at issue and have no further liability.

Rep. Robinson moved that House Bill No. 877 be placed at the heel of today's calendar, which motion failed by the following vote:

| | |
|----------------------------------|----|
| Ayes | 32 |
| Noes | 54 |
| Present and not voting | 1 |

Representatives voting aye were: Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Burchfield, Chiles, Cross, Curlee, Davis (Cocke), Davis (Knox), Garrett, Gunnels, Halteman, Hobbs, Holcomb, Hubbard, Huskey, Jackson, McAfee, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Perbolas, Robinson (Davidson), Stamps, Turner (Hamilton), Ussery, Mr. Speaker Murray -- 32.

Representatives voting no were: Austin, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Copeland, Crain, Davidson, DeBerry, DePriest, Dixon, Duer, Gaia, Givens, Good, Harrill, Hassell, Haun,

Henry (Putnam), Herron, Hillis, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Shelby), Naifeh, Odom, Pinion, Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wix, Wolfe, Yelton -- 54.

Representatives present and not voting were: Purcell -- 1.

Thereupon, Rep. Robinson (Davidson) renewed the motion to adopt Amendment No. 4.

Rep. Clark moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 58 |
| Noes. | 33 |
| Present and not voting. | 1 |

Representatives voting aye were: Armstrong, Austin, Bell, Bragg, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Davidson, DePriest, Dixon, Duer, Gaia, Givens, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McDaniel, Moore (Shelby), Naifeh, Odom, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wolfe, Yelton -- 58.

Representatives voting no were: Anderson, Bittle, Bivens, Buck, Burchfield, Chiles, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Garrett, Good, Gunnels, Henry (Putnam), Hubbard, Huskey, Jackson, McAfee, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Peroulas, Phillips, Robinson (Davidson), Scruggs, Stamps, Turner (Hamilton), Webb, Wix, Mr. Speaker Murray -- 33.

Representatives present and not voting were: Wood -- 1.

Thereupon, Rep. Shirley moved that House Bill No. 877, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 82 |
| Noes. | 14 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Copeland, Crain, Cross, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson

(Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 82.

Representatives voting no were: Bittle, Chiles, Curlee, Davis (Cocke), Davis (Knox), Gunnels, Henry (Putnam), Hubbard, Huskey, McDaniel, Niceley, Scruggs, Ussery, Wheeler -- 14.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 877 and have this statement entered in the Journal.

Rep. John Chiles

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on House Bill No. 877 and have this statement entered in the Journal.

Rep. Douglas E. Gunnels

REGULAR CALENDAR, CONTINUED

House Bill No. 1995 -- Liens -- Requires owner-occupant of a single family residence be notified by subcontractor and material supplier to preserve lien rights; requires notice to contain certain information. Amends TCA, Title 66, Ch. 11.

On motion, House Bill No. 1995 was made to conform with Senate Bill No. 1643.

On motion, Senate Bill No. 1643, on same subject, was substituted for House Bill No. 1995.

Rep. Wood moved that Senate Bill No. 1643 be passed on third and final consideration.

Rep. Dixon moved to re-refer Senate Bill No. 1643 to the Calendar and Rules Committee, which motion he later withdrew.

Rep. Dixon moved that Senate Bill No. 1643 be reset to the next available calendar, which is Monday, March 5, 1990.

Rep. Gunnels moved that the motion to reset Senate Bill No. 1643 be tabled, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 56 |
| Noes. | 30 |
| Present and not voting. | 3 |

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Callicott, Chiles, Clark, Coffey, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Garrett, Gunnels, Halteman, Haun, Head, Henry (Putnam), Holcomb, Holt, Hubbard, Huskey, Kent, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stallings, Stamps, Starnes, Turner (Hamilton), Ussery, West, Wheeler, Williams, Wix, Wolfe, Wood, Mr. Speaker Murray -- 56.

Representatives voting no were: Armstrong, Austin, Burnett, Byrd, Cain, Collier, Davis (Gibson), Dixon, Gaia, Givens, Good, Harrill, Hassell, Herron, Hillis, Hobbs, Jones, U. (Shelby), Kernell, King, Kisber, Odom, Pinion, Pruitt, Rhinehart, Shirley, Sipes, Turner, C. (Shelby), Turner, L. (Shelby), Winningham, Yelton -- 30.

Representatives present and not voting were: Crain, Purcell, Robinson (Hamilton) -- 3.

Rep. King moved that Senate Bill No. 1643 be re-referred to the Calendar and Rules Committee.

Rep. Robinson (Davidson) moved to table the motion to re-refer Senate Bill No. 1643 to the Calendar and Rules Committee, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 52 |
| Noes. | 38 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Callicott, Chiles, Coffey, Copeland, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Garrett, Good, Gunnels, Haun, Head, Henry (Putnam), Holcomb, Holt, Hubbard, Huskey, Jackson, Kent, Kisber, McAfee, McDaniel, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Robinson (Davidson), Robinson (Washington), Scruggs, Stallings, Stamps, Starnes, Turner (Hamilton), Webb, Wheeler, Wood, Mr. Speaker Murray -- 52.

Representatives voting no were: Armstrong, Burnett, Byrd, Cain, Clark, Collier, Davidson, DePriest, Dixon, Gaia, Givens, Halteman, Hassell, Herron, Hillis, Hobbs, Jones, U. (Shelby), Kernell, King, Moody, Moore (Shelby), Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Severance, Shirley, Sipes, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Williams, Winningham, Wix, Wolfe, Yelton -- 38.

Representatives present and not voting were: Crain -- 1.

Rep. Wood moved that Senate Bill No. 1643 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Wood moved to amend as follows:

Amendment No. 1

Amend Senate Bill No. 1643 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Rep. Clark moved to amend as follows:

Amendment No. 2

Amend Senate Bill No. 1643 by adding the following language as a new section immediately preceding the effective date section and by renumbering the subsequent section accordingly

SECTION _____. The provisions of this act shall also apply to new construction of a building consisting of one (1) dwelling unit in which the owner of the real property intends to reside as his principal place of residence and a building consisting of two (2) dwelling units where the owner of the real property intends to reside in one (1) of the units as his principal place of residence. It shall also apply to a parcel of residential real property where the owner of the property, the general contractor and/or developer are one and the same person and a new building is constructed or is to be constructed upon such parcel consisting of one (1) dwelling unit intended as the principal place of residence of a person or family.

On motion, Amendment No. 2 was adopted by the following vote:

| | |
|---------------|----|
| Ayes. | 80 |
| Noes. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Cross, Curlee,

Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Kent, Kernell, King, Kisber, McAfee, McDaniel, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Yelton, Mr. Speaker Murray -- 80.

Representatives voting no were: Crain -- 1.

On motion, Rep. Clark withdrew Amendment No. 3.

Rep. Shirley moved to amend as follows:

Amendment No. 3

Amend Senate Bill No. 1643 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 11, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section ____.

(a)(1) As used in this subsection, "residential real property" means a building consisting of one (1) dwelling unit in which the owner of the real property intends to reside or resides as his principal place of residence, and also means a building consisting of two (2) dwelling units where the owner of the real property intends to reside or resides in one of the units as his principal place of residence.

(2) Notwithstanding any other provision of law to the contrary, except as provided in subsection (b) of this section, on individual contracts to improve residential real property, a lien or right of lien upon such property shall exist only in favor of the general contractor who enters into such contract with the owner of such property or his agent. No lien, except the general contractor's lien, shall exist upon such property under such contract in favor of a subcontractor, materialman, mechanic, laborer, founder, machinist, or any other person who does the work or any part of the work, or furnishes the materials or any part of the materials, or puts thereon any fixtures, machinery, or materials, ordered by or through such persons.

(b)(1) As used in this subsection, "residential

real property" means a parcel of property upon which a building is constructed or is to be constructed consisting of one (1) dwelling unit intended as the principal place of residence of a person or family.

(2) When the owner of residential real property and the general contractor are one and the same person, or such an individual controls entities owning such property and general contracting business, on individual contracts to improve residential real property, a lien or right of lien upon such property shall exist only in favor of the general contractor, subcontractors of the general contractor, and suppliers who contract with the general contractor. Provided that no lien in favor of the subcontractor or such suppliers shall exist on such real property from and after the date the general contractor pays the subcontractor or supplier for services performed or material delivered by that supplier or sub contractor. No lien, except as provided in this subsection, shall exist upon such property under such contract in favor of a materialman, mechanic, laborer, founder, machinist, or any other person who does the work or any part of the work, or furnishes the materials or any part of the materials, or puts thereon any fixtures, machinery, or materials, ordered by or through such persons.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to all contracts to which this act applies entered into on and after the effective date of this act.

Rep. Scruggs moved that Amendment No. 3 be tabled, which motion failed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 44 |
| Noes. | 46 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Bell, Bittle, Bivens, Buck, Chiles, Coffey, Copeland, Cross, Curlee, Davis (Cocke), Davis (Knox), Duer, Garrett, Gunnels, Harrill, Head, Henry (Putnam), Henry (Roane), Holcomb, Hubbard, Huskey, Kent, McAfee, Moody, Moore (Lawrence), Napier, Niceley, Nuber, Peroulas, Phillips, Robinson (Davidson), Robinson (Washington), Scruggs, Stamps, Starnes, Turner (Hamilton), Ussery, Webb, Wheeler, Williams, Winningham, Wood, Mr. Speaker Murray -- 44.

Representatives voting no were: Armstrong, Austin, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Collier, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Givens, Good, Halteman, Hassell, Haun, Herron, Hillis, Hobbs, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisber, Love, McDaniel, Odom, Pinion,

Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), West, Wix, Wolfe, Yelton -- 46.

Representatives present and not voting were: Naifeh -- 1.

Thereupon, Rep. Shirley renewed the motion to adopt Amendment No. 3.

Rep. Clark moved the previous question, which motion failed by the following vote:

| | |
|---------------|----|
| Ayes. | 56 |
| Noes. | 35 |

Representatives voting aye were: Armstrong, Austin, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holt, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Niceley, Odom, Peroulas, Pinion, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Sipes, Stallings, Turner, C. (Shelby), Turner, L. (Shelby), West, Wix, Yelton, Mr. Speaker Murray -- 56.

Representatives voting no were: Anderson, Bell, Bittle, Bivens, Bragg, Buck, Chiles, Copeland, Davis (Cocke), Davis (Knox), Duer, Gunnels, Halteman, Henry (Putnam), Holcomb, Hubbard, Huskey, Kisber, McAfee, Moody, Naifeh, Napier, Nuber, Phillips, Robinson (Washington), Scruggs, Stamps, Starnes, Turner (Hamilton), Webb, Wheeler, Williams, Winningham, Wolfe, Wood. -- 35.

Rep. Bivens moved to reject Amendment No. 3, which motion he later withdrew.

Rep. Shirley moved that the motion to adopt Amendment No. 3, previously filed, be withdrawn, which motion prevailed. On motion, Amendment No. 3 was withdrawn.

Rep. King moved to amend as follows:

Amendment No. 4

Amend Senate Bill No. 1643 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not be construed to be an implied amendment of the provisions of Chapter ____ of the Public Acts of 1990 (Senate Bill 907/House Bill 877) or in any manner that will affect the provisions of such act.

On motion, Amendment No. 4 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

Thereupon, Rep. Wood moved that Senate Bill No. 1643, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

| | |
|---------------------------------|----|
| Ayes. | 89 |
| Noes. | 1 |
| Present and not voting. | 1 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Odum, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 89.

Representatives voting no were: Yelton -- 1.

Representatives present and not voting were: Herron -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on Senate Bill No. 1643 and have this statement entered in the Journal.

Rep. Tom Wheeler

CONSENT CALENDAR

House Resolution No. 0110 -- Memorials, Public Service -- Commends Sergeant Major Paul R. Coleman for active military service.

House Resolution No. 0111 -- Memorials, Professional Achievement -- Honors Ernest C. Withers for lifetime achievements as photojournalist and historian.

House Joint Resolution No. 0655 -- Memorials, Professional Achievement -- Congratulates Charles Michael Layne on appointment as interim district attorney general for Coffee County.

House Joint Resolution No. 0656 -- Memorials, Recognition -- Honors senior workers during "Hire the Older Worker Week".

House Joint Resolution No. 0657 -- Memorials, Personal Achievement -- Honors Lisa Robertson, Miss Tennessee 1989.

House Joint Resolution No. 0658 -- Memorials, Recognition -- Honors Mt. Zion Missionary Baptist Church.

House Joint Resolution No. 0659 -- Memorials, Condolence -- Honors memory of Ray Evans.

House Joint Resolution No. 0660 -- Memorials, Professional Achievement -- Honors John Wilson on being named Hamilton County historian.

House Joint Resolution No. 0661 -- Memorials, Condolence -- Honors memory of M.C. Gross.

House Joint Resolution No. 0662 -- Memorials, Condolence -- Honors memory of Nora Roberts.

House Joint Resolution No. 0663 -- Memorials, Condolence -- Honors memory of Grant Adcox.

House Joint Resolution No. 0664 -- Memorials, Condolence -- Honors memory of Jim Ballinger.

Senate Joint Resolution No. 0487 -- Memorials, Retirement -- Honors Walter R. Kern.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 95 |
| Noes. | 0 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey,

Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Kisber moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 509 out of order, which motion prevailed.

Senate Joint Resolution No. 0509 -- Memorials, Recognition -- Honors. Elie Wiesel, Nobel Peace Prize winner.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Kisber, the resolution was concurred in.

A motion to reconsider was tabled.

HOUSE BILL RETURNED

There being no objection, Rep. DePriest asked that the Clerk be directed to return House Bill No. 1744 to the Senate as requested.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 722: Rep(s). Halteman and Stamps added as prime sponsor(s).

House Bill No. 877: Rep(s). Purcell, Clark and Wix added as prime sponsor(s).

House Bill No. 1291: Rep(s). Kisber added as prime sponsor(s).

House Bill No. 1556: Rep(s). Hobbs added as prime sponsor(s).

House Bill No. 1818: Rep(s). C. Turner (Shelby) added as prime sponsor(s).

House Bill No. 1852: Rep(s). Turner (Hamilton) added as prime sponsor(s).

House Bill No. 1874: Rep(s). Peroulas added as prime sponsor(s).

House Bill No. 1992: Rep(s). Scruggs added as prime sponsor(s).

House Bill No. 2223: Rep(s). Hobbs added as prime sponsor(s).

House Bill No. 2358: Rep(s). Byrd added as prime sponsor(s).

House Bill No. 2359: Rep(s). Byrd added as prime sponsor(s).

House Bill No. 2360: Rep(s). Byrd added as prime sponsor(s).

House Bill No. 2361: Rep(s). Byrd added as prime sponsor(s).

House Bill No. 2492: Rep(s). Hobbs added as prime sponsor(s).

House Bill No. 2541: Rep(s). C. Turner (Shelby) added as prime sponsor(s).

House Bill No. 2545: Rep(s). C. Turner (Shelby) added as prime sponsor(s).

INTRODUCTION OF RESOLUTIONS

House Resolution No. 0112 -- Memorials, Recognition -- Honors Minnie Love during "Hire the Older Worker Week". by *Jackson.

The Speaker referred House Resolution No. 112 to the Calendar and Rules Committee.

House Resolution No. 0113 -- Memorials, Recognition -- Honors Jimmie Westbrooks during "Hire the Older Worker Week". by *Jackson.

The Speaker referred House Resolution No. 113 to the Calendar and Rules Committee.

House Resolution No. 0114 -- Memorials, Recognition -- Honors Peggy Gossett during "Hire the Older Worker Week". by *Jackson.

The Speaker referred House Resolution No. 114 to the Calendar and Rules Committee.

House Resolution No. 0115 -- Memorials, Recognition -- Honors Aileen Murray during "Hire the Older Worker Week". by *Jackson.

The Speaker referred House Resolution No. 115 to the Calendar and Rules Committee.

House Resolution No. 0116 -- Memorials, Recognition -- Honors Ivan Copley during Hire the Older Worker Week. by *Jackson.

THURSDAY, MARCH 1, 1990 -- SEVENTY-SECOND LEGISLATIVE DAY

The Speaker referred House Resolution No. 116 to the Calendar and Rules Committee.

House Resolution No. 0117 -- Memorials, Recognition -- Honors Louise Campbell during "Hire the Older Worker Week". by *Jackson.

The Speaker referred House Resolution No. 117 to the Calendar and Rules Committee.

House Joint Resolution No. 0665 -- Memorials, Government Officials -- Encourages MDHA to establish a program of resident managers for public housing. by *Pruitt, *Love, *Garrett, *Halteman, *Odom, *Purcell, *West, *Robinson Robb, *Austin, *Clark, *Dixon.

The Speaker referred House Joint Resolution No. 665 to the State and Local Government Committee.

House Joint Resolution No. 0667 -- Memorials, Personal Occasion -- Honors Claude A. Walker on 80th birthday. by *Armstrong.

The Speaker referred House Joint Resolution No. 667 to the Calendar and Rules Committee.

House Joint Resolution No. 0669 -- Memorials, Public Service -- Commends Alpha Kappa Alpha sorority for international public service. by *Armstrong.

The Speaker referred House Joint Resolution No. 669 to the Calendar and Rules Committee.

House Joint Resolution No. 0670 -- Memorials, Recognition -- Commends Alpha Kappa Alpha sorority on adoption of Knoxville College. by *Armstrong.

The Speaker referred House Joint Resolution No. 670 to the Calendar and Rules Committee.

House Joint Resolution No. 0671 -- Memorials, Public Service -- Honors Midge Jessiman for service to Anderson County. by *Wheeler, *Coffey.

The Speaker referred House Joint Resolution No. 671 to the Calendar and Rules Committee.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Senate Joint Resolution No. 0507 -- Memorials, Personal Achievement -- Congratulates Kevin Barham, Reporter of Tennessee Future Farmers of America.

The Speaker referred Senate Joint Resolution No. 507 to the Calendar and Rules Committee.

THURSDAY, MARCH 1, 1990 -- SEVENTY-SECOND LEGISLATIVE DAY

Senate Joint Resolution No. 0508 -- Memorials, Personal Achievement -- Congratulates Beth Johnson, Vice President of Tennessee Future Farmers of America.

The Speaker referred Senate Joint Resolution No. 508 to the Calendar and Rules Committee.

RESOLUTIONS LYING OVER

***Senate Joint Resolution No. 0474** -- Highway Signs -- Provides for directional signs to Cumberland Caverns on I-24 and I-40.

The Speaker referred Senate Joint Resolution No. 474 to the Transportation Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration.

House Bill No. 2601 -- Franklin -- Revises charter relative to election of aldermen. Amends Chapter 79, Acts of 1903, as amended. by *Callicott, *Hobbs.

Passed first consideration.

House Bill No. 2602 -- Eagleville -- Revises charter. Amends Chapter 77, Private Acts of 1977, as amended. Amends TCA, Title , Ch. 77. by *Hobbs, *Bragg.

Passed first consideration.

***House Bill No. 2603** -- Utilities, Utility Districts -- Redefines "customers" for purposes of electing water utility district commissioners in Scott County. Amends TCA, Title 7, Ch. 8, Pt. 3. by *Winningham.

Passed first consideration.

House Bill No. 2604 -- Kingsport -- Revises charter relative to filling vacancies on board of education. Amends Chapter 76, Private Acts of 1917, as amended. by *Hubbard, *Yelton, *Givens.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted.

Senate Bill No. 1573 -- Public Funds and Financing -- Requires commissioner of conservation to develop a list of projects eligible

THURSDAY, MARCH 1, 1990 -- SEVENTY-SECOND LEGISLATIVE DAY

for funding under natural resources trust fund; requires commissioner to make budget requests concerning such fund. Amends TCA, Title 11, Ch. 14, Pt. 3.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1559.

***Senate Bill No. 1645 -- Bail, Bail Bonds --** Authorizes appointed and elected officials who are not in law enforcement to act as professional bondsmen. Amends TCA 40-11-313.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1651.

***Senate Bill No. 1813 -- Highways, Roads and Bridges --** Removes requirement of county legislative body approval of appointed road superintendent 1990 salary increases. Amends TCA 54-7-106.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1912.

***Senate Bill No. 1912 -- Motor Vehicles --** Prohibits use of spotlights or auxiliary lights attached to rear of certain types of trucks. Amends TCA, Title 55, Ch. 9, Pt. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 1984.

***Senate Bill No. 1942 -- Highway Signs --** Makes owner of a non-complying sign liable for certain damages and costs. Amends TCA 54-21-105.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2407.

Senate Bill No. 1979 -- Bad Checks -- Enacts "The W.S. Hardy Act of 1990". Amends TCA 39-14-121.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1781.

***Senate Bill No. 1986 -- Consumer Protection --** Makes contractual waiver of state law for membership camping unenforceable. Amends TCA, Title 47, Ch. 18, Pt. 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2060.

***Senate Bill No. 2032 -- Economic and Community Development --** Creates disadvantaged business loan guarantee fund. Amends TCA, Title 4.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2088.

Senate Bill No. 2266 -- Election Laws -- Clarifies recordkeeping procedures in counties using computer voting systems. Amends TCA, Title 2.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 1827.

***Senate Bill No. 2324** -- Sunset Laws -- Extends termination date of commission on children and youth. Amends TCA, Title 4, Ch. 29; Title 37, Chs. 1, 3.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2125.

***Senate Bill No. 2339** -- Driver Licenses -- Requires certification of payment of all fines and court costs under certain circumstances before reinstatement of driver license. Amends TCA 55-50-303.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2221.

***Senate Bill No. 2370** -- Alcoholic Beverages -- Removes certain restrictions placed on urban park centers located in certain counties. Amends TCA, Title 57.

Held on the Clerk's desk pending third consideration of companion House Bill No. 2539.

Senate Bill No. 2492 -- Mortgages -- Prohibits certain modes of disbursement of funds at mortgage loan closings; establishes criminal penalties for violations.

Held on the Clerk's desk pending third consideration of companion *House Bill No. 2508.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.

House Bill No. 2595 -- Alcoa -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2596 -- Williamson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2597 -- Williamson County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

*House Bill No. 2598 -- Courts, General Sessions -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 2599 -- Bristol -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 2600 -- Bartlett -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**DELAYED BILLS REFERRED
MARCH 1, 1990**

In accordance with Rule No. 78, the following bill(s) was/were transmitted to the Delayed Bills Committee: House Bill No. 2598.

**REPORT OF DELAYED BILLS COMMITTEE
March 1, 1990**

Pursuant to Rule No. 78, as suspended, we the undersigned members of the Delayed Bills Committee have approved the following general bill: House Bill No. 2584.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE
March 1, 1990**

Pursuant to Rule No. 78, as suspended, we the undersigned members of the Delayed Bills Committee have approved the following general bill: House Bill No. 2587.

Ed Murray, Speaker
Jimmy Naifeh
John Chiles, Jr.

REPORTS FROM SELECT COMMITTEES

*Senate Bill No. 0959 -- Local Education Agency -- Requires opening of schools after Labor Day; provides certain exceptions. Amends TCA, Title 49.

**CONFERENCE COMMITTEE REPORT
ON SENATE BILL 959/HOUSE BILL 1197**

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill 959/House Bill 1197 has met and recommends that:

(A) All Senate amendments be deleted; and

(B) All House amendments be deleted; and

(C) Senate Bill 959/House Bill 1197 be revised by deleting the present Sections 1 and 3, and enacting new Sections 1 and 3, as follows:

SECTION 1. Tennessee Code Annotated, Section 49-6-3004, is amended by adding a new subsection (e) thereto, as follows:

e) The school year shall commence on the Tuesday following Labor Day unless either the school board in a local education agency votes by a majority of its membership to open schools on a different date or a private act establishes a different date for the opening of schools in that local education agency. A school board which votes to establish an alternative opening date may in a later year, vote by a majority vote to open on the Tuesday after Labor Day. This subsection shall apply to the 1991-1992, and subsequent school year.

Respectfully submitted this the 26th day of February 1990.

FOR THE SENATE:

Senator Anna Belle O'Brien
Senator Ray Albright
Senator Milton Hamilton
Senator Joe Haynes
Senator Carl Koella
Senator Frank Lashlee
Senator Bill Owen
Senator Andy Womack

FOR THE HOUSE:

Rep. Gene Davidson
Rep. Ronnie Davis
Rep. Lois DeBerry
Rep. Jimmy Naifeh
Rep. Phillip Pinion
Rep. Shelby Rhinehart
Rep. Paul Starnes
Rep. Les Winningham

Rep. Davidson moved that the Report of the Conference Committee on Senate Bill No. 959 be adopted and made the action of the House, which motion prevailed by the following vote:

| | |
|---------------|----|
| Ayes. | 70 |
| Noes. | 22 |

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Collier, Copeland, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Garrett, Givens, Good, Gunnels, Harrill, Head, Henry (Putnam), Henry (Roane), Hillis, Holcomb, Holt, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moore (Lawrence), Naifeh, Napier, Niceley, Nuber, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Scruggs, Shirley, Starnes,

Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Williams, Winningham, Wix, Wood, Yelton -- 70.

Representatives voting no were: Buck, Burchfield, Clark, Crain, Curlee, Duer, Halteman, Haun, Herron, Hobbs, Hubbard, McDaniel, Moody, Odom, Robinson (Washington), Severance, Sipes, Stallings, Stamps, Ussery, Wolfe, Mr. Speaker Murray -- 22.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the Conference Committee Report on Senate Bill No. 959 and have this statement entered in the Journal.

Rep. Harold Holt

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 1, 1990

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2595, 2596, 2597, 2599 and 2600.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 1, 1990

MR. SPEAKER: The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 5, 1990: House Resolution(s) No(s). 112, 113, 114, 115, 116 and 117; House Joint Resolution(s) No(s). 667, 669, 670 and 671; House Bill(s) No(s). 2595, 2596, 2597, 2599 and 2600; also, Senate Joint Resolution(s) No(s). 507 and 508.

PHILLIPS, Chairman.

ENGROSSED BILLS

March 1, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1812, 1873, 1874, 1877 and 1954; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 554, 562, 630, 631, 632, 634, 635, 636, 637, 639, 640, 641, 644, 646 and 647; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

March 1, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1807; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 470, 1799 and 2590; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

March 1, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1616, 1618, 1650, 1653, 1772, 1775, 1926, 2177, 2195, 2220, 2238, 2268 and 2269; also, Senate Joint Resolution(s) No(s). 469.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1626, 1693, 1750, 1753, 1809, 1876 and 2342; also, Senate Joint Resolution(s) No(s). 481 and 482; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1936; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

March 1, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 800 and 2592; also, House Resolution(s) No(s). 104, 105, 106, 107 and 109.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ENGROSSED BILLS

March 1, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 877; also, House Joint Resolution(s) No(s). 655, 656, 657, 658, 659, 660, 661, 662, 663 and 664; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

SIGNED

March 1, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1626, 1693, 1750, 1753, 1809, 1876 and 2342; also, Senate Joint Resolution(s) No(s). 481 and 482.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 446, 486, 489, 494, 495, 496, 497, 498, 499, 503 and 504; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Joint Resolution No. 0446** -- General Assembly, Confirmation of Appointment -- Confirms appointment of Michael S. Lacy to Tennessee Claims Commission.

Senate Joint Resolution No. 0486 -- Memorials, Recognition -- Commends Dayton City School for academic leadership and excellence.

Senate Joint Resolution No. 0489 -- General Assembly, Adjournment, Recess -- Provides for adjournment sine die of 96th General Assembly.

Senate Joint Resolution No. 0494 -- Memorials, Condolence -- Honors memory of Virgie Rouse Snodgrass.

Senate Joint Resolution No. 0495 -- Memorials, Congratulations -- Congratulates Greater Kingsport Area Chamber of Commerce on success of 10th Annual Fun Fest.

Senate Joint Resolution No. 0496 -- Memorials, Recognition -- Recognizes airborne forces of U.S. Army on 50th anniversary.

Senate Joint Resolution No. 0497 -- Memorials, Recognition -- Honors Cathy DeCaterina, executive director of Theatre Bristol.

Senate Joint Resolution No. 0498 -- Memorials, Professional Achievement -- Honors David Lee Miller, Investigator of the Year.

Senate Joint Resolution No. 0499 -- General Assembly, Joint Conventions -- Requests special joint convention to honor Coach Johnny Majors and UT football team.

Senate Joint Resolution No. 0503 -- Memorials, Condolence -- Honors memory of C. Cleveland Drennon, Jr.

Senate Joint Resolution No. 0504 -- Memorials, Sports -- Congratulates McCallie School wrestling team, TSSAA state wrestling champions.

MESSAGE FROM THE SENATE

March 1, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1841, 1870, 1892, 1920, 2029, 2055, 2075, 2153, 2201, 2202, 2224, 2278, 2280, 2300, 2512, 2518 and 2520; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Bill No. 1841 -- Sunset Laws -- Extends termination date of law enforcement training academy. Amends TCA, Title 4, Chs. 3, 7, 29; Title 37, Ch. 1; Title 38, Ch. 8.

Senate Bill No. 1870 -- Correctional Programs -- Sets time for work release. Amends TCA, Titles 41, 55.

***Senate Bill No. 1892 -- Pensions and Retirement Benefits --** Allows certain city employees to retire and receive benefits while county employee. Amends TCA, Title 8, Ch. 36.

***Senate Bill No. 1920 -- Utilities, Utility Districts --** Authorizes certain loans under utility relocation loan program. Amends TCA, Title 7, Ch. 82, Pt. 7, 67-3-617.

Senate Bill No. 2029 -- Utilities, Utility Districts -- Increases compensation of commissioners of utility districts. Amends TCA 7-82-308.

***Senate Bill No. 2055 -- Fund Raising --** Requires in kind contributions to be listed separately on disclosure statement. Amends TCA, Title 2.

***Senate Bill No. 2075 -- Day Care --** Increases weekly rate paid by department for certain day care. Amends TCA, Title 71, Ch. 3.

***Senate Bill No. 2153 -- Public Funds and Financing --** Revises various provisions on public finances and investments. Amends TCA 8-5-110, 105, 49-50-1305.

Senate Bill No. 2201 -- Sunshine Law -- Permits governmental meetings to be held through electronic or other communication systems.

***Senate Bill No. 2202 -- Liens --** Establishes effectiveness and priority of pledges and liens received by local government to secure any bond or note. Amends TCA, Title 7, Ch. 34; Title 9, Ch. 21.

***Senate Bill No. 2224 -- State Government --** Revises law relative to administration of property prior to agreement of sale. Amends TCA, Title 4, Ch. 15; Title 12, Ch. 2; Title 58, Ch. 1, Pt. 5.

***Senate Bill No. 2278 -- County Officers --** Abolishes office of constable in Giles County. Amends TCA 8-10-101.

Senate Bill No. 2280 -- Pensions and Retirement Benefits -- Permits Tennessee Athletic Coaches Association to be participating employer in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2.

***Senate Bill No. 2300 -- Probation --** Authorizes release of certain inmates without hearing in certain circumstances. Amends TCA, Title 40, Chs. 28, 35.

Senate Bill No. 2512 -- Assessors -- Provides for correction of clerical errors on assessment records. Amends TCA, Title 67.

Senate Bill No. 2518 -- Assessors -- Provides for notice of property tax assessments to taxpayers. Amends TCA 67-5-508, 67-5-1412, 67-5-1501.

Senate Bill No. 2520 -- Taxes, Real Property -- Regulates property tax for economic development.

**MESSAGE FROM THE GOVERNOR
March 1, 1990**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1816; also, House Joint Resolution(s) No(s). 619, 621 and 627; with his approval.

DAVID H. WELLES,
Counsel to the Governor.

**ENROLLED BILLS
March 1, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 470, 1799, 1936 and 2590; also, House Joint Resolution(s) No(s). 554, 562, 630, 631, 632, 634, 635, 636, 637, 639, 640, 641, 644, 646 and 647; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**SIGNED
March 1, 1990**

The Speaker announced that he had signed the following: House Bill(s) No(s). 470, 1799, 1936 and 2590; also, House Joint Resolution(s) No(s). 554, 562, 630, 631, 632, 634, 635, 636, 637, 639, 640, 641, 644, 646 and 647.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**ENROLLED BILLS
March 1, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 110 and 111; find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocks), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Glivens, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, March 5, 1990.